



15 May 2020

The Honourable Simone McGurk MLA  
Minister for Child Protection, Women's Interests;  
Prevention of Family and Domestic Violence; Community Services  
8<sup>th</sup> Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Email: [Minister.McGurk@dpc.wa.gov.au](mailto:Minister.McGurk@dpc.wa.gov.au)

Dear Minister,

I am writing to you following recent remarks attributed to you in the media in relation to the introduction of your government's *Children and Community Services Amendment Bill*.

I note your acknowledgment in your reported comments that I have made my position as Catholic Archbishop of Perth on the matter of the Seal of Confession very clear. I take it from this that you are aware of the position of the Catholic Church, which is precisely the position I have put forward. I also note that your comments imply that in continuing to uphold the position of the Church in relation to the Seal of Confession, the Church generally, and I as the Church's official representative in the Archdiocese of Perth, do not "put child safety first". This is an offensive slur on my character, and on the unstinting efforts of all the people who, in this archdiocese, are dedicating themselves to ensuring that everything possible is being done to ensure that children and young people are as safe as they can possibly be in Catholic institutions and settings.

If you are indeed aware of my position, which is the position of the Catholic Church, you will know that to call on me "*to make that statement (that child safety is the number one priority) by supporting this legislation in full*" is in fact to call on me to make a statement which would immediately result in my suspension from the office of Archbishop of Perth and to have my faculties (permission) to function as a priest withdrawn. Any priest who followed my advice and betrayed the confidentiality of Confession would also be immediately suspended from his ministry as a priest. These are not decisions I myself would be making; they would follow as inevitable consequences from the statement you believe I must make. In effect you are calling on me to confront Pope Francis with a situation which would oblige him to remove me from office.

If you were not aware of this, then I respectfully suggest that you should have been. Even the Royal Commission, which advocated for the abolition of the Seal of the Confession, was aware that no priest, bishop, archbishop or cardinal has any power or authority to unilaterally change the universal law of the Catholic Church. The Royal Commission accepted, because they had taken the trouble to find out, that only the Pope has the authority to make any changes to the Church's universal law.

If you were aware of this, then I can only assume that in making the statements you did you were engaging in what might be called "virtue signalling" in order to demonstrate your commitment and that of your government to child protection. If this is the case then you are using your position for political advantage at the expense of the Church and at my expense. If this is true, and I hope it is not, then it is behaviour unworthy of an elected representative, especially as it instrumentalises the dreadful horror of child sexual abuse.

If instead you do not have a good grasp of the Church's position, which is my position, let me restate it for you now. The absolute inviolability of the Seal of Confession is the universal law



Most Rev Timothy Costelloe SDB  
Archbishop of Perth

of the Church which no bishop, archbishop or cardinal has the power to change in any way. The Pope is the universal legislator in the Catholic Church – only he can change the laws of the Church. Furthermore, the Pope has no authority to change what is understood by the Church to be Divine Law. This is the case in relation to the absolute confidentiality of Confession. People may disagree, even vehemently, with this belief of the Church but it is the firm belief of the Church and has been embedded in our practice and in our belief for many centuries. It is an essential part of our faith. It is not subject to change by anyone, including the pope.

If I am correct, and you have been in ignorance of the beliefs, teachings, practices and laws of the Church, then once again I respectfully suggest that it is most unwise and improper, to say the very least, to make pronouncements about things you do not know or understand.

The Catholic Church has a deplorable record in dealing with sexual abuse of minors in the past. You will know that I have never shied away from recognising this. In more recent years the Church has taken extensive and far-reaching steps to acknowledge its failures, reach out to victims and survivors, and put policies and procedures in place with a view to making Catholic settings among the safest in Australia for children and young people. If you have any knowledge of the Church in the Archdiocese of Perth and more widely across Western Australia, **as it is today rather than as it was thirty or forty years ago**, you will also know this. The work the Church has done in recent years is hardly ever acknowledged – and the Church does not look for acknowledgement. But it does not seem to have occurred to many people, including yourself and your government, that if the Church in this state, which has demonstrated its readiness and determination to do all it can to protect children and young people, continues to insist on the absolute confidentiality of Confession, then there might just be something more to the Church's position than a callous disregard for the well-being of young people.

Forcing priests to break their solemn vows in relation to the Seal of Confession will not make any child or young person safer, but will, in all likelihood, make some more vulnerable to abuse. Because, as you indicate, you are aware of my very clear position, you will know why I say this. My public statements on this matter have made this position very clear. What attempting to make priests break their solemn commitment **will** do is create a new class of potential criminals whose only crime is the following of their conscience and the practicing of an essential aspect of their religion. This does not seem to be what governments in modern secular societies which subscribe to the principles of freedom of religion and the separation of Church and State should be trying to do.

It distresses me that I have felt myself obliged to write this letter. I would much prefer to work collaboratively with the government to do all in my power to ensure the safety of children and young people. Intemperate and misleading comments, such as those attributed to you, do nothing to facilitate such cooperation.

Yours sincerely in Christ

*+ Timothy Costelloe SDB*

Most Rev Timothy Costelloe SDB DD  
**Archbishop of Perth**

CC: The Hon Premier of Western Australia  
Western Australian Government Ministry